

AFFIDAVIT

I, Amy L. Chandler, a Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”), being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent with the FBI since April 11, 2010, and am currently assigned to the Minneapolis Division, Minot Resident Agency. My duties include, among other things, the investigation of violent crimes occurring within Indian Country. While employed by the FBI, I have investigated and participated in investigations involving federal criminal violations related to Innocent Images, child exploitation, human trafficking, sexual assault, and violent crimes.
2. Prior to being employed as a Special Agent with the FBI, I was an Assistant State Attorney for the 9th Judicial Circuit for Orange and Osceola Counties in Florida for more than four years. During that time, I reviewed, charged, and prosecuted criminal cases involving crimes against children, sexually based offenses, violent crimes and drug offenses.
3. As a Federal Agent, I am authorized to investigate violations of laws of the United States, and to execute warrants issued under the authority of the United States.
4. The statements contained in this affidavit are based in part on: information provided by other agencies; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation; and my experience, training and background as a Special Agent with the FBI. In addition, unless otherwise indicated all statements contained in this Affidavit are summarized in substance and in part.

FACTS

5. On April 17, 2014, the Ward County crime stoppers received an anonymous call from an anonymous source stating that a minor female victim, CF, had been raped by her father. The source identified the victim as a 16-year-old female, and her father as TONY FLY (WILLIAM ANTHONY FLY). The reporter stated that the victim had been sexually assaulted by her father between the ages of ten (10) to twelve (12) and that the reporter was told this by the victim two (2) to three (3) months earlier and at that time the victim had asked the reporter not to say anything as the victim just wanted to tell someone so she could move forward with her life. The reporter stated that the victim had told her mother, TIFFANY FLY, and that TIFFANY FLY had confronted WILLIAM FLY, so it had not happened since. The reporter stated she came forward now to tell of what she had been told by the victim as the victim had been removed from school and had been acting strange and depressed since being removed from school. The reporter stated that the last time she saw the victim was at church and that the victim was depressed and withdrawn. The reporter further advised that last night (April 16, 2014) the reporter confronted TIFFANY FLY about the disclosure from the victim and that TIFFANY FLY became upset and stated that it was all lies. The victim's parents were identified as WILLIAM ANTHONY FLY and TIFFANY FLY. Their address was identified in Minot, North Dakota. The case was assigned to Ward County Child Protection Worker (CPW) Kristie Urness and Minot Police Detective Cassidy Halseth.
6. CPW Urness went to Marketplace Foods (North Hill) and met with the victim. The victim was employed by Marketplace Foods. The victim reported that she was sixteen (16) years old and working full time at Marketplace. The victim stated that she was attending the Adult Learning Center in the mornings to obtain her GED. The victim stated that she recently moved from

Rugby to Minot in August. The victim stated she lived in fifteen (15) states and also lived in Williston, North Dakota. The victim stated that her family vacations in Arizona. The victim reported that she has an older brother, XF, who is eighteen (18) years old, a younger brother DF, fourteen (14) years old, and ZF ten (10) years old. The victim stated that her mother is TIFFANY and her father, TONY, works in the oil field. The victim denied any type of fighting at home and stated that her family gets along well. The victim stated that if she gets into trouble, her phone or the X-Box is taken away. The victim denied any inappropriate touching by anyone and stated that she would talk to her mom or dad if something did happen. At the beginning of the interview, the victim stated "I'm not supposed to talk to people." This worker observed the victim to be uncomfortable and fidgety when asked about any inappropriate touches.

7. On April 26, 2016, Pierce County social services received a report the victim (18 years old) was passionately kissing her sister ZF (12 years old) while in church in Rugby, North Dakota. This was witnessed by parishioners at the church and reported. Approximately one (1) week later Pierce County CPW Jennifer Wright made contact with WILLIAM FLY and the victim. They had been gone for approximately one (1) week out of state transporting cars. When CPW Wright attempted an interview with the victim alone, the victim's father, WILLIAM FLY, denied CPW Wright access to the victim unless WILLIAM FLY was present. WILLIAM FLY was allowed in during the interview and the victim denied kissing ZF.
8. On Friday, July 8, 2016, TIFFANY FLY brought the victim to the Johnson Clinic in Rugby, North Dakota, as the victim was not feeling well. The victim saw nurse practitioner Tammy Harter. Through lab testing it was discovered that the victim was pregnant. Nurse practitioner Tammy Harter then met with the victim alone. The victim disclosed that she had been raped by her father (WILLIAM FLY) and that the baby belonged to her father, WILLIAM FLY. The

victim disclosed being molested by WILLIAM FLY since she was nine (9) or ten (10) years old.

9. Melinda Voeller, the Director of Pierce County Social Services, responded to Johnson Clinic.

Melinda Voeller obtained an audio recorded statement from the victim. The victim stated the following:

- a. WILLIAM FLY, her father, is the father of the baby.
- b. WILLIAM FLY raped her.
- c. WILLIAM FLY conceived the baby with the victim at the end of April 2016 while transporting vehicles and that it happened in a hotel out of the state of North Dakota while en route to Pennsylvania.
- d. That WILLIAM FLY began molesting the victim before she was nine (9) or ten (10) years old and that the first time occurred in Idaho.
- e. Melinda Voeller asked the victim how many times WILLIAM FLY had sexual contact with the victim. The victim responded "too many to count."
- f. WILLIAM FLY attempted sexual contact with the victim while at a church in Minot, North Dakota approximately three (3) years ago. WILLIAM FLY was kissing her weird.
- g. WILLIAM FLY told the victim "I'll kill you if you don't do it."
- h. When WILLIAM FLY conceived the baby with the victim it started with WILLIAM FLY kissing the victim, WILLIAM FLY making the victim watch pornographic movies, WILLIAM FLY had the victim on the bed and made the victim sit still, WILLIAM FLY had the victim open her legs, at which time the victim stated that WILLIAM FLY "stuck his thing in mine."

- i. WILLIAM FLY put his thing in the victim's vagina and also tried to put his thing in the victim's butt.
 - j. The last time WILLIAM FLY had sexual intercourse with the victim was in April 2016 or May 2016.
 - k. WILLIAM FLY told the victim that WILLIAM FLY would kill the victim's mother and family if the victim did not do it.
 - l. The victim stated sexual intercourse with WILLIAM FLY always occurred out of the town of Rugby, North Dakota.
 - m. The victim stated that the sexual intercourse with WILLIAM FLY occurred in at least three (3) states to include Idaho and California and on the trip to Pennsylvania when the victim believes the baby was conceived.
 - n. WILLIAM FLY moved his family to Rugby, North Dakota, when the victim was ten (10) years old.
 - o. The victim stated she had not had sex with anyone else in the last year except her father, WILLIAM FLY.
 - p. The victim was afraid to go home as she was afraid that her mother, TIFFANY FLY, would hit her and call her dad about the pregnancy.
 - q. The victim was afraid of her dad as her dad would also hit her.
 - r. WILLIAM FLY told the victim that WILLIAM FLY has guardianship over the victim.
(This guardianship was denied by the court on November 9, 2015.)
10. The victim was interviewed by Pierce County Sheriff's Deputy Taylor Schiller on July 8, 2016. During that interview, the victim stated WILLIAM FLY had sex with her "too many times to

count.” The victim reported that she believed she may become pregnant in Texarkana when WILLIAM FLY sexually assaulted her there.

11. During the weekend of July 8, 2016, through July 11, 2016, the victim stayed with Njony Walton in Rugby, North Dakota. Njony Walton reported that the victim also admitted to Njony Walton that the father of the baby was her father's, WILLIAM FLY's.
12. On July 8, 2016, the victim allowed Pierce County Deputy Sheriff Taylor Schiller access to the victim's Facebook account to message WILLIAM FLY. WILLIAM FLY had already reached out to the victim stating that TIFFANY FLY told WILLIAM FLY about the pregnancy and wondering what the victim told law enforcement. During the Facebook conversation, WILLIAM FLY repeatedly told the victim to move home. WILLIAM FLY told the victim that he could go to prison for the accusations the victim made. WILLIAM FLY denied being the father of the victim's baby and could prove it as he was out of state. WILLIAM FLY told the victim that the victim was tearing their family apart. WILLIAM FLY told the victim “you are hurting me, your mom, and your brothers.
13. On July 12, 2016, this case was coordinated with the Federal Bureau of Investigation. It was decided that officers would attempt contact with the victim for a welfare check as officers were aware the victim moved home, that WILLIAM FLY was supposed to come home on this day, and that threats had been made towards the victim. When Officers went to the Fly residence where the victim was supposedly staying, no one was there.
14. On July 13, 2016, at 1:50 PM, SA Chandler met with the victim in a closed office. The victim disclosed to SA Chandler that she has been sexually abused since approximately the age of nine (9) by WILLIAM FLY. The victim disclosed WILLIAM FLY routinely “raped” her on trips that took place outside of the state of North Dakota when WILLIAM FLY was alone with


the victim. The victim verified that WILLIAM FLY was the father of the baby. The victim believed that conception happened at the end of April 2016 to the beginning of May 2016 at a Best Western hotel in Texarkana. The victim advised that she had been sexually assaulted by WILLIAM FLY in Idaho and California over the years as well. The victim stated that her father, WILLIAM FLY, would watch daddy-daughter pornographic movies with the victim on the trips. The victim stated that WILLIAM FLY would take the victim with him on the trips while doing vehicle transports. It was during these trips that WILLIAM FLY would sexually assault the victim. The victim stated that WILLIAM FLY would ejaculate inside of her. The victim also described that on some occasions during intercourse, the victim would push away from WILLIAM FLY and go to the bathroom. WILLIAM FLY would then masturbate himself to ejaculation. The victim advised that when she would get to a hotel, she would try to spend extra time in the bathroom hoping that WILLIAM FLY would fall asleep so she would not be forced to have sexual intercourse with him. WILLIAM FLY would often get hotel rooms with two beds but make the victim sleep nude with FLY in the same bed.

15. On July 14, 2016, the victim was taken to a medical provider in Minot, North Dakota, where another pregnancy test and ultrasound were conducted on the victim. The victim was estimated to be approximately 13 weeks pregnant.
16. On January 13, 2017, CF gave birth to a baby boy in Minot, North Dakota.
17. Based upon my training, knowledge and experience, I know that buccal swabs can be used to gather DNA which is a genetic "blueprint" for the individual from which the DNA is obtained. Analysis of an individual's DNA can identify unique characteristics of that blueprint which can be used to positively identify whether an individual is the perpetrator of a crime or the


source of certain tissue or bodily fluids contained by law enforcement officials during the course of an investigation.

18. This Affidavit is submitted in support of my request to photographs, documents, and search the person of WILLIAM ANTHONY FLY, and, to seize and search genetic material within the body of WILLIAM ANTHONY FLY, to be seized through buccal swabs as samples for laboratory comparison with DNA from the victim's child.

19. Based on the foregoing, I respectfully believe probable cause exists for issuance of the requested warrant.


AMY L. CHANDLER
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me telephonically this 3rd day of February, 2017.


CHARLES S. MILLER, JR.
United States Magistrate Judge